

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
JANUARY 23, 2019
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Mike Ross; Jim Ralston; Mike Merhar; Angelo Tomaselli; Joe Palmer, Vice Chairman

ABSENT: None

OTHERS: Mike Germano, Asst. Law Director; Vicki Grinstead, Secretary

Vice Chairman Palmer called the regular meeting to order at 7:00 p.m.

Vice Chairman Palmer advised the participants of their right to be heard in person or by attorney present and/or proffer evidence present and examine witnesses and the subpoena of evidence and/or witnesses. Vice Chairman Palmer advised the participants that this board has five members of which a majority of the board is needed to grant an appeal. All five members of the board are present this evening. If an appeal is denied the applicant has thirty days to file an appeal with the Lake County Court of Common Pleas.

The appeal application, the letter of the meeting notification, the letter of non-compliance and the list of names and addresses of adjoining property owners within the required distant of the appellant were noted into the record.

MINUTES

Mr. Merhar moved to accept the meeting minutes of December 12, 2018 as submitted and Mr. Ralston seconded.

ROLL CALL: Yeas: Mr. Merhar; Mr. Ralston; Vice Chairman Palmer
Nays: None
Absent: None
Abstain: Mr. Ross; Mr. Tomaselli

Motion Carried: Approved

Mr. Merhar moved to untable Old Business for the Cornachio residence, 5720 Hartshire Dr., Willoughby, OH and Mr. Ralston seconded.

ROLL CALL: Yeas: Mr. Ralston; Mr. Ross; Mr. Tomaselli; Mr. Merhar; Vice Chairman Palmer
Nays: None
Absent: None

Motion Carried: Untabled

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OLD BUSINESS

Marlene and Jack Cornachio
5720 Hartshire Dr.
(Rep.- Bryan Black, B. LeGrand Design)

**Additions to master bedroom
and garage**

Mr. Merhar moved to permanently table the Cornachio appeal, 5720 Hartshire Dr., Willoughby, OH 44094 per the applicant's request and Mr. Tomaselli seconded.

ROLL CALL: Yeas: Mr. Ross; Mr. Tomaselli; Mr. Merhar; Mr. Ralston; Vice Chairman Palmer
 Nays: None
 Absent: None

Motion Carried: Permanently tabled

NEW BUSINESS

John Grace
Vacant Lot/W. Spaulding (Cemetery) St.

New home/PPN#27A-029-A-00-065-0

Vice Chairman Palmer stated the applicant cited practical difficulty numbers 1, 2 and 3 on the application for appeal and noted all items that were in the packet.

Vice Chairman Palmer asked if there was anyone who wished to speak for the appeal. Mr. Grace is representing his application for PPN#27A-029-A-00-065-0 Vacant Lot/W. Spaulding (Cemetery) St., Willoughby, OH and was sworn in to speak for this appeal.

Mr. Grace showed the Board a rendering of a home that would actually fit within the parameters of our ordinance for the lot he is purchasing. He explained they wanted to build a ranch style home, but it would not fit on the lot. They compromised and had plans drawn up for the home with a master on the first floor, two bedrooms up and a 3-car garage which is what is before the Board this evening. He also submitted a survey to show the existing homes and lots on the street which have different front and rear setbacks.

On the plans submitted they bumped out the front of the house 4 ft. to accommodate the master bedroom. They bumped out the rear of the home by approximately 2 ft. to accommodate the kitchen area and approximately 4 ft. in the rear of the home for the garage. The driveway will also accommodate a full sized vehicle such as a pick-up truck.

Vice Chairman Palmer stated the Board tries to maintain consistency and abides by a 20% rule and he is below that percentage for his appeal. There was a brief discussion on the lot and home size.

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Vice Chairman Palmer asked if there was anyone who wished to speak for the appeal and there was no one.

Vice Chairman Palmer asked if there was anyone who wished to speak against the appeal and there was no one.

Mr. Merhar moved to grant a variance to C.O.1131.08 and allow a minimum front yard setback of 19.16 ft. instead of the allowable 23.48 ft.; citing C.O. 1109.09(b) for the Grace residence located at PPN#27A-029-A-00-065-0 Vacant Lot/W. Spaulding (Cemetery) St., Willoughby, OH and Mr. Tomaselli seconded.

ROLL CALL: Yeas: Mr. Merhar; Mr. Ross; Mr. Tomaselli; Vice Chairman Palmer
 Nays: Mr. Ralston
 Absent: None

Motion Carried: Approved

Mr. Merhar moved to grant a variance to C.O.1131.06 and allow a 21 ft. rear yard setback instead of the allowable 25 ft.; citing C.O. 1109.09(b) for the Grace residence located at PPN#27A-029-A-00-065-0 Vacant Lot/W. Spaulding (Cemetery) St., Willoughby, OH and Mr. Tomaselli seconded.

ROLL CALL: Yeas: Mr. Ross; Mr. Tomaselli; Mr. Merhar; Vice Chairman Palmer
 Nays: Mr. Ralston
 Absent: None

Motion Carried: Approved

Heinen's
34501 Ridge Rd.
(Rep. Chris Humphrey, Architect)

Drive thru ATM machine

Vice Chairman Palmer stated the applicant cited practical difficulty numbers 1,3,4,5,7, 8 and 9 on the application for appeal and noted all items that were in the packet.

Vice Chairman Palmer asked if there was anyone who wished to speak for the appeal. Mr. Humphrey, Architect is representing the application for Heinen's located at 34501 Ridge Rd., Willoughby, OH and was sworn in to speak for this appeal.

Mr. Humphrey stated the city's ordinance does not address a freestanding drive up ATM machine. He believes the code addresses a four lane window at a bank or drive thru window at a restaurant and the stacking of ten cars is excessive for this type of ATM machine. He stated that in another part of the code it is stated that if the transaction time at the window is less than three minutes they can reduce the number of cars to five; which he believes is more reasonable.

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They are providing four waiting spaces for this proposal. He said people tend to not get in line if there are several cars already in line for this type of transaction and would drive to the next closest ATM machine.

Mr. Humphrey stated the sign portion of the appeal was viewed differently than he expected. Other municipalities consider the canopy a structure and not a sign. Each leg of the canopy was considered a pylon sign, plus the pylon sign they are requesting at the street. The package of signs presented is Huntington's typical signage for their drive up ATMs. It provides the customer with clear identity that it is a Huntington ATM.

Mr. Humphrey said his belief is that the ATM is a consistent use with this commercial district. It is offering a retail banking service to the residents. It is situated away from the main stream of pedestrian traffic in the Heinen's parking lot. The automobile traffic moves in the same direction as the one-way parking lane.

Vice Chairman Palmer stated there is already a freestanding ATM in that parking lot approximately 600 ft. from where the proposed ATM would be located. Mr. Humphrey stated he is aware of this ATM and is a bank other than Huntington. Mr. Tomaselli said there used to be a bank in the shopping center that was associated with this ATM machine.

There was discussion on several other ATM machines in the same area; and the Huntington ATM in the drug store across the street from this shopping center.

Vice Chairman Palmer asked if there was anyone who wished to speak for the appeal and there was no one.

Vice Chairman Palmer asked if there was anyone who wished to speak against the appeal and there was no one.

Mr. Merhar moved to grant a variance to C.O. 1141.03 to allow a drive in/thru facility in association with a permitted use instead of the non-permitted use; citing C.O. 1109.09(b) for Heinen's located 34501 Ridge Rd., Willoughby, OH and Mr. Ralston seconded.

ROLL CALL: Yeas: Mr. Merhar; Vice Chairman Palmer
 Nays: Mr. Ralston; Mr. Ross; Mr. Tomaselli
 Absent: None

Motion Carried: Denied

Mr. Merhar moved to grant a variance to C.O. 1161.08 and allow four off-site waiting spaces instead of the required ten; citing C.O. 1109.09(b) for Heinen's located 34501 Ridge Rd., Willoughby, OH and Mr. Ralston seconded.

ROLL CALL: Yeas: Mr. Merhar; Vice Chairman Palmer
 Nays: Mr. Ross; Mr. Tomaselli; Mr. Ralston
 Absent: None

Motion Carried: Denied

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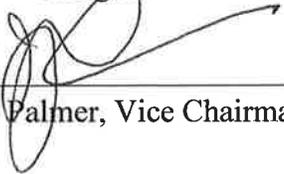
Mr. Merhar moved to grant a variance to C.O. 1163.05 and allow three freestanding signs instead of the allowable one; citing C.O. 1109.09(b) for Heinen's located 34501 Ridge Rd., Willoughby, OH and Mr. Ralston seconded.

ROLL CALL: Yeas: Mr. Merhar; Vice Chairman Palmer
 Nays: Mr. Tomaselli; Mr. Ralston; Mr. Ross
 Absent: None

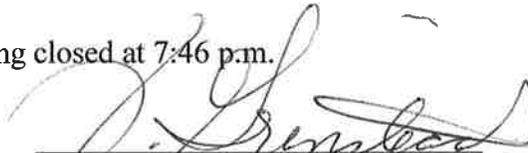
Motion Carried: Denied

The nominations for officers will be held at the next Board of Zoning Appeals meeting.

There being no further business the regular meeting closed at 7:46 p.m.



Joe Palmer, Vice Chairman



Vicki Grinstead, Secretary